

# **EXHIBIT A**

CONFIDENTIAL

Page 1

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X  
5 NEIL ABROMAVAGE,

6 Plaintiff,

7 -against-

Case No.

1:18-cv-06621-VEC

8 DEUTSCHE BANK SECURITIES  
9 INC.; JEFFREY BUNZEL, in his  
10 official and individual capacities;  
11 and MARK HANTHO, in his  
12 official and individual capacities.,  
13 Defendants.

14 -----X

15  
16 \* \* C O N F I D E N T I A L \* \*

17  
18 DEPOSITION OF CHRISTINA BERTI

19 New York, New York

20 July 26, 2019

21  
22  
23  
24 JOB NO. 165167

25 Reported by: BONNIE PRUSZYNSKI, RMR, RPR, CLR

CONFIDENTIAL

Page 134

1 C. Berti

2 Q. Did Mr. Gurandiano ever complain  
3 that he was being retaliated against as a  
4 result of his participation in the  
5 investigation into Mr. Gurandiano?

6 MR. SMITH: Sorry. Can you repeat  
7 the question.

8 MR. VALLAS: Could you read it  
9 back.

10 (Record read.)

11 MR. VALLAS: I did misspeak. I  
12 apologize.

13 Q. Did Mr. Abromavage ever complain  
14 that he was being retaliated against as a  
15 result of his participation in the  
16 investigation into Mr. Gurandiano?

17 A. Yes.

18 Q. When did he complain?

19 A. I don't recall, but it was at some  
20 point after the conclusion of the  
21 investigation that we were just speaking of.

22 Q. Did he complain to you?

23 A. What do you mean by "complain"?

24 Q. What do you understand that word to  
25 mean?

CONFIDENTIAL

Page 135

1 C. Berti

2 A. Did he complain to me first, did he  
3 complain to me alone? I don't -- I don't --  
4 I don't know.

5 Q. You don't know -- you don't know --

6 A. I don't know how to answer the  
7 question. Perhaps I can answer what I know.

8 Q. That's all we can ask.

9 A. At some point I was involved in  
10 looking into concerns that Mr. Abromavage had  
11 following the conclusion of the Jason  
12 Gurandiano -- the investigation we just spoke  
13 of regarding Mr. Gurandiano.

14 Q. And when did that investigation  
15 begin?

16 A. I don't recall the specific time  
17 that it began.

18

19 MR. VALLAS: Mark this P-19.

20 (Deposition Exhibit P-19,  
21 DB-02554-557 marked for identification,  
22 as of this date.)

23 Q. Do you recognize this document?

24 A. Yes.

25 Q. Does this refresh your recollection

CONFIDENTIAL

Page 136

1 C. Berti

2 as to when Mr. Abromavage complained about  
3 retaliation?

4 A. It refreshes my recollection that  
5 we met with him on October 20th of 2015. I  
6 don't know from looking at this document when  
7 he complained, first complained.

8 Q. In other words, you don't know if  
9 he had complained prior to this? Is that  
10 your testimony?

11 A. Yes. I don't know whether he  
12 complained -- I don't know when he  
13 complained, first complained about the topics  
14 we discussed in this meeting. I know from  
15 these notes that we had a meeting with him on  
16 this date.

17 Q. "TC with NA." I'm assuming that  
18 means telephone conference?

19 A. Where are you looking?

20 Q. The very top of the page.

21 A. That's not on the top of my page.

22 MR. SMITH: P-19?

23 MR. VALLAS: Oh, boy.

24 Mark this P-18, please.

25 (Deposition Exhibit P-18,

CONFIDENTIAL

Page 137

1 C. Berti

2 DB-02615-616 marked for identification,  
3 as of this date.)

4 A. Can I take a minute to look at  
5 this?

6 Q. Please.

7 (Pause.)

8 A. What's your question?

9 Q. So, "TC with NA."

10 A. Yes.

11 Q. I assume that means telephone  
12 conference?

13 A. Correct.

14 Q. Do you remember if Mr. Abromavage  
15 called you?

16 A. He likely contacted me, and I  
17 either called him back or spoke to him when  
18 he first reached out to me by telephone.

19 Q. Directly underneath, it says,  
20 "Since August 2015." What does that mean?

21 A. That means he said to me "since  
22 August 2015." I would have recorded what he  
23 told me in the conversation.

24 Q. That the allegations that he makes  
25 below have been happening since August of

CONFIDENTIAL

Page 138

1 C. Berti

2 2015? Would that be an accurate  
3 characterization?

4 A. Yes.

5 Q. Were you out of the office in  
6 August of 2015?

7 A. I'm sorry?

8 Q. Were you out of the office in  
9 August 2015?

10 A. I don't recall.

11 Q. Are you aware that Mr. Abromavage  
12 made a complaint to Joanne Smith in 2015,  
13 August of 2015?

14 A. I don't recall.

15 Q. Did you ever speak to Ms. Smith  
16 about this complaint?

17 A. About what complaint? The  
18 telephone conference --

19 Q. Exactly.

20 A. -- on October 20th?

21 Q. Yes.

22 A. I don't recall.

23 Q. Would you turn to -- do you  
24 remember -- sticking with this for a minute.  
25 Do you remember about how long this

CONFIDENTIAL

Page 139

1 C. Berti

2 conversation lasted?

3 A. No, but -- no. I don't know.

4 Q. Do you remember Mr. Abromavage  
5 making these allegations about being  
6 purposely excluded from meetings, more  
7 scrutiny, general chilliness in office?

8 A. Looking at this document, it  
9 refreshes my recollection that we -- the two  
10 of us had a telephone conversation in which  
11 he communicated the information that I have  
12 captured on the document.

13 Q. What is --

14 A. Or something close to what I have  
15 taken notes on here. Yes.

16 Q. The fifth line, "More scrutiny DTD  
17 activity." What does DTD mean?

18 A. I believe that is a shorthand for  
19 day to day.

20 Q. It says, "Dropped from e-mail  
21 communications re deals involved in specific  
22 indiv who are senior, certainly one, maybe  
23 another?"

24 Is that a question that you had?  
25 There is a question mark at the end.



CONFIDENTIAL

Page 140

1 C. Berti

2 A. I don't know.

3 Q. You can't remember what that means?

4 A. I recall that Mr. Abromavage was  
5 relaying something about senior people but  
6 not giving names at that point --

7 Q. I see.

8 A. -- in our conversation. So, the  
9 question mark may have been that either  
10 Mr. Abromavage wasn't sure if another person  
11 was involved or whether he wasn't providing  
12 the names because he didn't know. Sorry, I'm  
13 speculating.

14 Q. No, no, it's --

15 A. But I don't know who he was talking  
16 about here, and I don't know why there is a  
17 question mark, so...

18 Q. If we move down a little bit, it  
19 says, "Unsure what people doing, others  
20 around noticed as well. Bkrs," which I  
21 assume means bankers, ECM team member can  
22 give us his perspective."

23 Who is the -- "can give us his  
24 perspective," who is the "his" in that  
25 sentence?

CONFIDENTIAL

Page 141

1 C. Berti

2 A. I don't recall.

3 Q. Below it says, "Shortly after JG  
4 was fired, he was given a lecture by a senior  
5 person, shaken up visibly, comp, upward  
6 mobility."

7 Can you explain what that sentence  
8 means?

9 MR. SMITH: I think you have  
10 omitted some text here.

11 Q. Well, in the margin -- that is  
12 fair. In the margin, it says, "Jeff M." with  
13 an arrow.

14 A. I don't know who -- I don't know  
15 who is referred to here, but Jeff M. -- I  
16 don't know who "he" was in the first line,  
17 "Shortly after JG fired, "he," but Jeff M. I  
18 believe refers to Jeff Mortara.

19 Q. So, this is something that happened  
20 to Jeff Mortara?

21 MR. SMITH: Objection.

22 A. I don't know. This is what -- this  
23 is what Neil was relaying to me in this  
24 telephone conversation, so I don't --

25 Q. I'm just trying to understand.

CONFIDENTIAL

Page 142

1 C. Berti

2 A. That's all -- that's all I can  
3 speak to at this point.

4 Q. No, no, I understand.

5 A. These are my notes of Neil's  
6 telephone conversation with me.

7 Q. My point is, these are your notes;  
8 correct?

9 A. Yes.

10 Q. So, when you had the notation there  
11 "Jeff M." with an arrow, did you mean by that  
12 that this is an allegation about something  
13 that happened with Jeff M.?

14 MR. SMITH: Something to Jeff M.  
15 what?

16 Q. When you put the phrase "Jeff M."  
17 with an arrow next to it, did you mean that  
18 everything to the right of that arrow was  
19 something that happened to Jeff M.? Is that  
20 what you mean by that?

21 MR. SMITH: Objection.

22 A. Again, I don't know what happened  
23 to Jeff M. based on reading this. I believe  
24 that Mr. Abromavage was relaying this  
25 information to me, and it looks like the

CONFIDENTIAL

Page 143

1 C. Berti

2 "Jeff M." with an arrow refers to Jeff  
3 Mortara being given a lecture, and again, I  
4 might have a practice of filling that in  
5 where the name wasn't given to me at this  
6 point in the conversation, but perhaps later  
7 on in the conversation, it was, and I might  
8 go back in the margin and note that.

9 But again, this is what  
10 Mr. Abromavage relayed to me, as far as I  
11 understand, in his telephone conversation.

12 Q. Do you remember an allegation about  
13 Mr. Mortara being given a lecture by a senior  
14 person shortly after Mr. Gurandiano was  
15 fired?

16 A. No.

17 Q. You don't remember that allegation  
18 at all?

19 A. I don't remember what the lecture  
20 is. I just remember that Jeff Mortara was  
21 someone who came up in our looking into the  
22 matter.

23 MR. VALLAS: Do you want to take a  
24 five-minute break?

25 THE WITNESS: Sure.

CONFIDENTIAL

Page 144

1 C. Berti

2 (Recess from 2:24 to 2:36 p.m.)

3 BY MR. VALLAS:

4 Q. Ready to go back on the record?

5 A. Yes.

6 Q. You can pass me back Exhibit 18.

7 Before we turn to Exhibit 19, I  
8 want to ask you, what do you remember about  
9 the substance of Mr. Abromavage's complaint?

10 A. What complaint are you referring  
11 to?

12 Q. The complaint that he made to you  
13 on the 20th of October, 2015. I'm just  
14 asking for your memory.

15 A. Are you talking about the telephone  
16 conversation we had that was documented in  
17 the exhibit you just showed me?

18 Q. I'm asking --

19 A. Or -- I don't know that we  
20 established that Mr. Abromavage complained.

21 Q. Did he complain?

22 A. He spoke to me in a telephone  
23 conversation about the matters that were  
24 recorded on that, and I believe later that  
25 day, I met with him and my employee relations

CONFIDENTIAL

Page 145

1 C. Berti

2 colleague to further explore his concerns.

3 Q. Was that a complaint that he made?

4 A. During the meeting that we had with  
5 him, it became -- the subsequent meeting we  
6 had with him after the telephone conversation  
7 I had with him, it was clear that he was  
8 making a complaint.

9 Q. What do you remember of the  
10 substance of the complaint?

11 A. It would be helpful to review the  
12 notes of my meeting with him.

13 Q. Do you remember --

14 A. I remember what -- I remember what  
15 we just discussed in the telephone  
16 conversation, and I believe at the end of  
17 that document, there were times recorded,  
18 times of day, and what I believe happened is  
19 that we arranged to speak further on the  
20 matter later in the day, and then the same  
21 day, Michelle Kershenbaum and I met with Neil  
22 to further discuss his complaint.

23 Q. Did you request any --

24 A. So, if I could review my notes of  
25 that meeting, I could tell you more about

CONFIDENTIAL

Page 146

1 C. Berti

2 that.

3 Q. Before we get into that, I would  
4 like to see if we can make some progress just  
5 from memory.

6 Did you request the meeting?

7 A. I can't recall. I believe -- I  
8 believe we would have mutually agreed to  
9 speak further on the matter, since he was  
10 calling me, and we would want to have a  
11 further discussion about it.

12 Q. Is it typical to schedule an  
13 in-person discussion the same day as the  
14 telephone conference?

15 MR. SMITH: Objection.

16 A. I don't know what's -- I can't  
17 really say. I don't know what's typical or  
18 not. It might happen, it might not happen,  
19 depending on availability of everyone  
20 involved.

21 Q. Did you schedule the in-person  
22 meeting shortly after the telephone  
23 conference because you considered the  
24 complaint to be serious?

25 A. Not necessarily.

CONFIDENTIAL

Page 147

1 C. Berti

2 Q. Do you remember whether or not that  
3 was the case?

4 A. No, I don't. I remember that I  
5 would have wanted to get more information  
6 about the matter.

7 Q. From memory, what do you remember  
8 to be the substance of Mr. Abromavage's  
9 complaint?

10 A. That he felt things had changed  
11 since August of 2015.

12 Q. Since Mr. Gurandiano was  
13 terminated?

14 A. I don't know when Mr. Gurandiano  
15 was terminated, but it would have been  
16 sometime in the summer of 2015.

17 Q. Did Mr. Abromavage tell you that  
18 things had changed since Mr. Gurandiano had  
19 been terminated? Did he make that  
20 connection?

21 A. Again, I don't remember what the  
22 significance of August 2015 was, and whether  
23 that was when Mr. Gurandiano was terminated  
24 or not.

25 Q. Do you remember if Mr. Gurandiano's



CONFIDENTIAL

Page 148

1 C. Berti

2 termination came up in the meeting?

3 A. Which meeting?

4 Q. The meeting on October 20th.

5 A. The meeting with Michelle  
6 Kershenbaum?

7 Q. Yes.

8 A. I don't remember.

9 Q. I believe you said at the beginning  
10 of the deposition that this week in  
11 preparation for the deposition, you reviewed  
12 some of your notes about Mr. Abromavage's  
13 retaliation complaint.

14 A. Yes.

15 Q. Sitting here today, you don't  
16 remember if he alleged that he was being  
17 retaliated because of Mr. Gurandiano's  
18 termination, retaliated against because of  
19 Mr. Gurandiano's termination?

20 A. I believe he was concerned about  
21 whether he was being treated differently  
22 because he participated in the prior  
23 investigation involving Mr. Gurandiano.

24 Q. Would you consider being treated  
25 differently because of your participation in

CONFIDENTIAL

Page 149

1 C. Berti

2 an investigation to be retaliation for  
3 participating in the investigation?

4 MR. SMITH: Objection.

5 Q. Is there a distinction between  
6 those two?

7 A. Between two what?

8 Q. Between being retaliated against  
9 for participating in an investigation and  
10 being treated differently because you  
11 participated in an investigation? Do you  
12 view those two as distinct?

13 MR. SMITH: Objection.

14 A. Yes.

15 Q. So, sitting here today, did  
16 Mr. Gurandiano say that he -- did  
17 Mr. Abromavage say that he was being  
18 retaliated against or that he was being  
19 treated differently?

20 A. I can't recall the words he  
21 specifically used, whether he used the word  
22 "retaliation" or not, but that he was  
23 concerned about what he described as things  
24 being -- things have changed and --

25 Q. How did things change?

CONFIDENTIAL

Page 150

1 C. Berti

2 A. I don't know how things changed. I  
3 know that he reported to us that he felt that  
4 things have changed.

5 Q. How did he report to you things  
6 have changed?

7 A. How? In our meeting. He described  
8 what he considered to be change.

9 Q. What I meant to say is, in what way  
10 had things changed according to his  
11 description?

12 A. He said he felt that he had been  
13 excluded from certain meetings and activities  
14 related to the business.

15 Q. Were you aware that -- withdrawn.  
16 Did Mr. Abromavage tell you that he  
17 had been in discussions to move to a  
18 different group?

19 A. I don't recall.

20 Q. What group did Mr. Abromavage work  
21 at?

22 A. He worked in ECM.

23 Q. Were you ever aware that he had  
24 been in discussions to move to a covered role  
25 in the financial institutions group, the FIG

CONFIDENTIAL

Page 151

1 C. Berti

2 group?

3 A. I don't recall which group but that  
4 he was considering other positions, but I  
5 don't recall which they were specifically.

6 Q. Do you recall Mr. Abromavage  
7 telling you that the discussions ceased  
8 following Mr. Gurandiano's termination?

9 A. Which discussions?

10 Q. About his move to a different  
11 position.

12 A. I don't recall.

13 Q. Did Mr. Gurandiano -- withdrawn.

14 Did Mr. Abromavage explain how  
15 he -- why he thought other people were aware  
16 that he had participated in the investigation  
17 into Mr. Gurandiano?

18 A. Yes. I believe he said he thought  
19 other people were aware.

20 Q. Did he say who he thought was  
21 aware?

22 A. I don't recall if he named anyone  
23 specifically.

24 Q. Was it concerning to you that other  
25 people would be aware of his participation in

CONFIDENTIAL

Page 152

1 C. Berti

2 Mr. Gurandiano's investigation?

3 MR. SMITH: Objection.

4 A. Not necessarily.

5 Q. Why not necessarily?

6 A. Because it depends on the  
7 situation.

8 Q. Why don't we take a look at your  
9 notes from your meeting with Ms. Kershenbaum  
10 and Mr. Abromavage, which are in front of you  
11 as Exhibit P-19.

12 Who is Michelle Kershenbaum?

13 A. She was an employee of the bank.

14 Q. What was her role?

15 A. When?

16 Q. At this time.

17 A. She was an employee relation  
18 specialist.

19 Q. That was her title?

20 A. I'm not sure, but she worked in  
21 employee relations. Whether that was her  
22 specific functional title, I'm not sure. She  
23 was a vice president at the time.

24 Q. When why was Ms. Kershenbaum  
25 involved in this investigation?

CONFIDENTIAL

Page 153

1 C. Berti

2 A. Because she was assigned to work on  
3 the matter by her manager.

4 Q. Who would her manager have been?

5 A. Debbie Barry.

6 Q. Is there a reason why Joanne Smith  
7 wasn't assigned?

8 A. I think so.

9 Q. What was the reason?

10 A. I believe Joanne may have been out  
11 of the office at the time.

12 Q. So, in the first line, it says,  
13 "Mid-May, term'ed JG in late July."

14 Does that refresh your recollection  
15 as to when Mr. Gurandiano was terminated?

16 A. Yes. I believe it was sometime in  
17 late July.

18 Q. The next line says, "NA noticed  
19 change but in two." Is that what that says?

20 A. Yes.

21 Q. The number two? What does that  
22 mean?

23 A. I don't know.

24 Q. You don't remember why you wrote  
25 "but in two"?

CONFIDENTIAL

Page 154

1 C. Berti

2 A. No.

3 Q. And the next line says, "Changed  
4 for worse, now wish he hadn't participated."

5 Was that concerning to you?

6 A. Yes.

7 Q. So, if we skip down to the last  
8 third of the page: "Hope it doesn't affect  
9 employment comp" -- is that "int'l"?

10 A. Yes.

11 Q. "Mobility and progression."

12 A. I believe that refers to internal.

13 Q. And did Mr. Abromavage elaborate on  
14 what that meant, internal mobility and  
15 progression?

16 A. I don't know.

17 Q. A few lines down, it says "FIG IB  
18 team." Do you see that?

19 A. Yes.

20 Q. What is that a reference to?

21 A. I believe "FIG IB" refers to  
22 financial institutions group investment  
23 banking.

24 Q. What I mean to say is, why is that  
25 notation there?

CONFIDENTIAL

Page 155

1 C. Berti

2 A. Because it came up in our meeting.

3 Q. In what -- in what context did it  
4 come up?

5 A. Can I read the document for a  
6 second --

7 Q. Of course.

8 A. -- around that?

9 (Pause.)

10 Can you repeat your question.

11 MR. VALLAS: Can you read back the  
12 question.

13 (Record read.)

14 Q. In what context did the reference  
15 to "FIG IB" come up?

16 A. It appears it's part of a statement  
17 that "meetings getting set up, part of team  
18 to be included and then not," and then it  
19 states, "FIG investment banking team."  
20 Perhaps that was the team that is being  
21 described as part of -- "team" being the  
22 investment banking team.

23 Q. Was Mr. Abromavage describing a  
24 potential move to FIG investment banking?

25 A. I don't know.



CONFIDENTIAL

Page 156

1 C. Berti

2 Q. You took these notes; right?

3 A. Yes.

4 Q. Is there anything else that would  
5 refresh your recollection as to what that is  
6 a reference to?

7 A. Perhaps if I read further into the  
8 document, that might help.

9 (Pause.)

10 A. Reading the document refreshes my  
11 recollection that he was concerned that he  
12 had been part of meetings or a team to be  
13 included in meetings, and then he stated the  
14 "not involving FIG investment banking."

15 Q. Was that involving a move from ECM  
16 to FIG investment banking?

17 A. I don't know.

18 Q. Turn to the next page. In the  
19 middle, it says -- not in the middle, toward  
20 the top. "Partner co-running ECM is JM.  
21 Never spoken about it. Returned for meeting  
22 where JM reprimanded by senior person in  
23 management. JM didn't say who it was."

24 Did I read that correctly?

25 MR. SMITH: "For" or "from"?

CONFIDENTIAL

Page 157

1 C. Berti

2 A. I think it's "returned from  
3 meeting." The "fr" means from.

4 Q. That was my assumption as well,  
5 but --

6 MR. SMITH: Sorry.

7 Q. -- I'm glad we cleared that up.

8 A. Okay.

9 Q. What was this a reference to?

10 A. This was in reference to a meeting  
11 that Mr. Abromavage told us about that  
12 Mr. Mortara allegedly attended.

13 Q. If you move down, on the left  
14 margin, it says, "JM's person -- one of  
15 four," double underlined, "with influence."

16 What is that a reference to? Who  
17 are the four with influence?

18 A. I don't know. No names were given  
19 here. It talks about JM's person, JM's  
20 person, person. NA is talking about one of  
21 four. I don't know.

22 Q. Did you double underline four?

23 A. Yes.

24 Q. Why?

25 A. Because I thought it was a

CONFIDENTIAL

Page 158

1 C. Berti

2 significant number to be aware of, and we did  
3 not have any names associated with that, so  
4 that was something that I wanted to note.

5 Q. "Given who was let go, have  
6 friendship with either other and aligned with  
7 JG." Is that a reference to the four with  
8 influence?

9 A. I don't know.

10 Q. Well, you took these notes; right?

11 A. I did.

12 Q. And you don't remember what -- what  
13 this meant?

14 A. No.

15 Q. If you look on 2556, the next page.  
16 It says, "Didn't tell anyone he participated  
17 and they didn't approach him. I may have  
18 deleted HR invite (half dozen admins and  
19 junior staff) in time before anyone saw re:  
20 JG investigation."

21 Can you explain what that means?

22 A. Mr. Abromavage was stating this to  
23 us. I don't -- I don't -- I don't know what  
24 your question is, what does this mean.

25 Mr. Abromavage was stating to us what I

CONFIDENTIAL

Page 159

1 C. Berti

2 recorded here.

3 Q. Did you ask him what he meant by  
4 that?

5 A. I don't recall.

6 Q. Was Mr. Abromavage concerned  
7 because a half dozen admins and junior staff  
8 were able to view his shared calendar where  
9 HR invites appeared?

10 MR. SMITH: Objection.

11 A. I don't know.

12 Q. When you write something down in  
13 your notes that you are not -- you don't know  
14 what it means? Do you not know what it  
15 means, sitting here today?

16 A. At the time, I probably would have  
17 known how this information was elicited and  
18 pertained --

19 Q. You can't remember now?

20 A. I can't remember now what  
21 specifically we were discussing or asking  
22 about at that point in time.

23 Q. This is a problem we have run into  
24 a few times, though, where you don't know  
25 what your notes mean.

CONFIDENTIAL

Page 160

1 C. Berti

2 MR. SMITH: Is that a question?

3 MR. VALLAS: It's an observation.

4 It does not call for an answer.

5 Q. A few lines lower: "A couple of  
6 departures. One tech (prior FIG), one FIG."

7 Do you know who these couple of  
8 departures are referring to?

9 A. No.

10 Q. "One tech (prior FIG)." Did  
11 Mr. Gurandiano work in FinTech?

12 MR. SMITH: Objection.

13 A. I believe he did.

14 Q. Could this be a reference to  
15 Mr. Gurandiano?

16 MR. SMITH: Objection.

17 A. I don't know.

18 Q. Did you know at the time?

19 MR. SMITH: Objection.

20 A. I don't know. There are no names  
21 here, so I can't -- I can't establish that.

22 Q. "One FIG," is that a reference to  
23 Niron Stabinsky?

24 MR. SMITH: Objection.

25 A. I don't know.

CONFIDENTIAL

Page 161

1 C. Berti

2 Q. Did Niron Stabinsky work in FIG?

3 A. I don't recall.

4 Q. Do you recall whether or not

5 Mr. Stabinsky was terminated in July of 2015?

6 A. No.

7 Q. No, he wasn't, or no, you don't

8 recall?

9 A. No to your question.

10 THE WITNESS: Could you repeat the  
11 question, please.

12 (Record read.)

13 Q. You don't recall?

14 A. I don't recall whether Niron  
15 Stabinsky was terminated in July of 2015.

16 Q. Do you recall whether Mr. Stabinsky  
17 was ever terminated by the bank?

18 A. Yes.

19 Q. Why was he terminated?

20 MR. SMITH: Objection.

21 MR. VALLAS: What is the basis for  
22 that objection?

23 MR. SMITH: Have you established  
24 that she was a decision maker in his  
25 termination and therefore that she would

CONFIDENTIAL

Page 162

1 C. Berti

2 know why he was terminated?

3 MR. VALLAS: I don't think that the  
4 question necessarily calls for that. She  
5 could have any basis for her knowledge.  
6 This is a simple question about whether  
7 she knows.

8 MR. SMITH: Well, your question was  
9 why was he terminated, not do you know  
10 why he was terminated.

11 A. I know he was terminated. And your  
12 question is, do I know why he was terminated?  
13 No.

14 Q. Okay. On the last page, 2557, it  
15 says, "NA told" -- this is in the middle of  
16 the page, probably about ten lines down. "NA  
17 told FIG not as active now, need to do other  
18 things and then asked why going there."

19 Did I read that correctly?

20 A. I'm sorry. Where are you on the  
21 page?

22 Q. Probably about ten lines down.

23 A. NA said -- "NA told FIG was" --

24 Q. Yes.

25 A. "NA told FIG not as active now"?

CONFIDENTIAL

Page 163

1 C. Berti

2 That sentence?

3 Q. That's correct. "Need to do other  
4 things and then asked why going there."

5 Do you know what that means?

6 A. No.

7 Q. The next one says, "NA asked person  
8 why said 'tagging along.' NA said what he  
9 did was in line, and other person thought  
10 not."

11 Who is this person.

12 A. I don't know.

13 Q. Did you ask?

14 A. I believe we did, because we would  
15 normally want to ascertain that information.  
16 But I believe Mr. Abromavage did not want to  
17 disclose any names to us.

18 Q. Did he say why?

19 A. I don't recall.

20 Q. Was he concerned about retaliation?

21 MR. SMITH: Objection.

22 A. I don't know.

23 Q. Were you concerned about this  
24 complaint?

25 A. I'm concerned about all complaints



CONFIDENTIAL

Page 164

1 C. Berti

2 that I am involved in as an investigator.

3 Q. Did you consider this to be a  
4 serious allegation Mr. Abromavage was making?

5 MR. SMITH: Objection.

6 A. On behalf of the bank, I take all  
7 allegations seriously that I investigate.

8 Q. Did you take this particular one  
9 seriously?

10 A. Yes.

11 Q. And what did you decide to do in  
12 response?

13 A. We decided to look into the  
14 allegations.

15 Q. How?

16 A. By conducting an investigation.

17 Q. So, how did you go about conducting  
18 that investigation?

19 A. We would have determined the  
20 relevant information that would be important  
21 to know, and we would have conducted  
22 interviews and reviewed any other relevant  
23 information that we thought was important as  
24 part of our inquiry.

25 Q. So, I understand that would be your

CONFIDENTIAL

Page 165

1 C. Berti

2 standard practice. I'm saying, specifically  
3 with reference to this complaint, do you  
4 remember what you did then?

5 A. No.

6 Q. Did you decide to take -- to  
7 interview employees about this complaint?

8 A. Yes.

9 Q. How did you decide who to  
10 interview?

11 A. We determined who might have  
12 information that was relevant.

13 Q. How did you make that  
14 determination?

15 A. By reviewing our notes of the  
16 meeting and the information Mr. Abromavage  
17 gave us.

18 Q. Did you review any documents other  
19 than your notes?

20 A. I don't recall.

21 Q. Who did you decide to interview?

22 A. We interviewed Jeff Mortara and  
23 Mark Hantho, Jeff Bunzel, John Eydenberg.

24 I don't remember if that was  
25 everyone.

CONFIDENTIAL

Page 169

1 C. Berti

2 you don't remember at all what you said, you  
3 disputed that.

4 A. That's right.

5 Q. But then you said you don't  
6 remember exactly. Was it somewhere in the  
7 middle?

8 A. You asked me a question that  
9 said -- that was characterizing what I  
10 believe to be a question that was asked of  
11 Mr. Mortara, and I don't recall whether we  
12 asked that particular question.

13 We spoke to Mr. Mortara to follow  
14 up on the concerns that Mr. Abromavage shared  
15 with us, about which we thought Mr. Mortara  
16 might have knowledge. That's generally what  
17 I recall of our meeting.

18 Q. Do you recall anything more  
19 specific?

20 A. Yes.

21 Q. What do you recall more  
22 specifically?

23 A. That we asked Mr. Mortara about a  
24 meeting that Mr. Abromavage had stated to us  
25 that Mr. Mortara allegedly attended.

CONFIDENTIAL

Page 170

1 C. Berti

2 Q. I notice you are reading from  
3 notes.

4 A. Yeah, I am reading to refresh my  
5 recollection. There is a notation at the top  
6 on 2555 about "return from meeting where JM  
7 reprimanded by senior person in management."

8 Q. Why don't you pass me that exhibit  
9 back.

10 MR. VALLAS: Can you mark this  
11 P-20.

12 (Deposition Exhibit P-20,  
13 DB-02558-563 marked for identification,  
14 as of this date.)

15 Q. Do you recognize this document,  
16 Mr. Berti?

17 A. Yes.

18 Q. Those are notes that you kept from  
19 your interview with Mr. Mortara; correct?

20 A. Yes.

21 Q. At the top it says "10/28/15."  
22 Does that refresh your recollection as to  
23 when you met with Mr. Mortara?

24 A. Yes.

25 Q. And let's go through this. So, in

CONFIDENTIAL

Page 171

1 C. Berti

2 the first third of the page, it says,  
3 "Surprised that when JG said he had 65-pp  
4 lawsuit. JG prep'ing case v DB long time,  
5 aware of issue."

6 What is that a reference to?

7 A. Something that Mr. Mortara told us  
8 in the interview.

9 Q. Do you know what he was referring  
10 to?

11 A. No.

12 Q. Did you ask him?

13 A. I don't recall.

14 Q. Down at the -- halfway through the  
15 page on the left-hand margin, it says "JE,"  
16 and then next to it, there's a quote, "You  
17 should assume I know all that's being said,"  
18 close quote.

19 Is that a quote that Mr. Mortara  
20 was attributing to John Eydenberg?

21 A. I am not sure.

22 Q. What aren't you sure about?

23 A. I'm not sure -- I guess --

24 Q. Did Jeff --

25 A. -- it looks like JE refers to John

CONFIDENTIAL

Page 183

1 C. Berti

2 Q. Did you interview Mr. Hantho?

3 A. At some point after we met with  
4 Mr. Mortara, we interviewed Mr. Hantho.

5 Q. Do you remember when?

6 A. No.

7 Q. And what about Mr. Eydenberg?

8 A. What about Mr. Eydenberg? What's  
9 your question?

10 Q. Do you remember when you  
11 interviewed Mr. Eydenberg?

12 A. No.

13 Q. When you testified at the beginning  
14 of this deposition that earlier this week you  
15 reviewed notes related to your interview --  
16 your investigation into Mr. Abromavage's  
17 complaint about retaliation, what notes did  
18 you review?

19 A. My notes of interviews as part of  
20 Mr. Abromavage's complaints that we are  
21 discussing now in October of 2015.

22 Q. Did you interview your notes with  
23 Mr. Abromavage?

24 A. Did I what?

25 Q. Did you review your notes with

CONFIDENTIAL

Page 184

1 C. Berti

2 Mr. Abromavage?

3 A. I did review my notes of  
4 Mr. Abromavage?

5 Q. I misspoke, you are absolutely  
6 right.

7 Did you review your notes with  
8 Mr. Abromavage?

9 Did you review your notes --  
10 withdrawn.

11 Did you review your notes regarding  
12 your interview with Mr. Abromavage?

13 A. Yes.

14 Q. Did you review your notes regarding  
15 your interview with Mr. Mortara?

16 A. Yes.

17 Q. Did you review your notes regarding  
18 your interview with Mr. Hantho?

19 A. Yes.

20 Q. How about Mr. Bunzel?

21 A. Yes.

22 Q. And Mr. Eydenberg?

23 A. Yes.

24 Q. And yet three days later, you don't  
25 remember the sequence of the interviews?

CONFIDENTIAL

Page 186

1 C. Berti

2 wouldn't have asked to see them?

3 A. No.

4 Q. Do you remember Mr. Mortara not  
5 being willing to share them with you?

6 A. No.

7 Q. So, it's possible that you did see  
8 them?

9 A. (No response.)

10 MR. SMITH: Objection.

11 MR. VALLAS: Okay. We are going to  
12 call for the production of those notes,  
13 which I think would have been responsive  
14 to a request we have sent already.

15 MR. SMITH: If they exist, we would  
16 have -- if they existed, we would have  
17 produced them. So, as far as I know,  
18 either they don't exist or they are not  
19 in our possession.

20 Q. And then at the bottom, I can't  
21 quite make -- not at the bottom, excuse me.  
22 At the fifth line from the bottom. I can't  
23 quite make out your handwriting. It says,  
24 "I" --

25 A. It's my abbreviation wld and



CONFIDENTIAL

Page 187

1 C. Berti

2 apostrophe t. "I wouldn't complain to HR."

3 Q. What does that -- do you know what  
4 that means?

5 A. I believe that was what Mr. Mortara  
6 told us, that he -- I, Mr. Mortara, wouldn't  
7 complain to HR.

8 Q. Do you know why he wouldn't  
9 complain to HR?

10 MR. SMITH: Objection.

11 A. No.

12 Q. Did you ask?

13 A. I don't recall.

14 Q. On page 2561, middle of the page,  
15 it says, "JE plus MH gd. friends fr." -- and  
16 I can't make out quite -- I can't quite make  
17 out the rest of that.

18 A. That looks like an abbreviation for  
19 Morgan Stanley.

20 Q. So, does that sentence say, "JE and  
21 MH good friends from Morgan Stanley"?

22 A. Yes.

23 Q. In the very next line, what does  
24 that CC arrow JE, what does the rest of that  
25 say?

CONFIDENTIAL

Page 188

1 C. Berti

2 A. "CC," an arrow, "JE sole," it's an  
3 abbreviation for "industry group," "not  
4 reporting to PS."

5 Q. Could that be Paul Stefanick?

6 A. I believe that refers to Paul  
7 Stefanick.

8 Q. And who is CC? Is that Chris  
9 Colpitts?

10 A. I think so.

11 Q. And then a little bit closer to the  
12 bottom of the page, it says, "Others who feel  
13 treated differently since JG left."

14 Do you know who those others are?

15 A. I want to read the rest of the page  
16 below it.

17 Q. Take your time.

18 A. Because that might help me.

19 (Pause.)

20 A. It looks like Mr. Mortara mentioned  
21 two individuals after that statement, one of  
22 them RG, and another NA.

23 Q. And who is RG?

24 A. I believe that refers to Richard  
25 Gibb.

CONFIDENTIAL

Page 189

1 C. Berti

2 Q. Did you interview Richard Gibb in  
3 connection with this complaint?

4 A. I don't recall.

5 Q. Is there any reason why you  
6 wouldn't?

7 A. Yes.

8 Q. What would be that reason?

9 A. If we determined it wasn't  
10 necessary.

11 Q. The second line from the bottom, it  
12 says, "Loyal players get resp." What does  
13 that mean?

14 A. I am not sure. I believe that is  
15 something that Mr. Mortara relayed to us, and  
16 I believe "resp" refers to responsibility.

17 Q. So, he was saying that loyal  
18 players get responsibility.

19 A. I recorded that, so I believe that  
20 is --

21 Q. Did you consider that to be  
22 relevant?

23 A. Can I finish?

24 I believe that he would have told  
25 us something to that effect in the meeting.

CONFIDENTIAL

Page 195

1 C. Berti

2 was in reference to?

3 A. Not at this point, reading this,  
4 this statement, I don't.

5 Q. Is there anything that would  
6 refresh your recollection?

7 A. Yes. My notes of other interviews  
8 in the investigation.

9 Q. At the very bottom of the page,  
10 four lines from the bottom, it says, "MH, CC,  
11 JG -- all Canadian."

12 What is the significance of that?

13 A. It's something that Mr. Mortara  
14 relayed to us.

15 Q. Why?

16 MR. SMITH: Objection.

17 A. I'm not sure.

18 Q. What do you consider the purpose of  
19 these notes to be when you're conducting an  
20 interview? Why do you keep these notes?

21 A. To record information that we  
22 gather as part of our interviews.

23 Q. To help you refresh your  
24 recollection?

25 MR. SMITH: Objection.

CONFIDENTIAL

Page 200

1 C. Berti

2 statement, assume I know all," what was  
3 that -- why did you write that down?

4 A. Because Mr. Mortara raised it.

5 Q. Was it concerning to you that  
6 Mr. Eydenberg was telling Mr. Mortara,  
7 "Assume I know all"?

8 MR. SMITH: Objection.

9 A. I don't know if that was the case.

10 Q. You don't know one way or the  
11 other?

12 MR. SMITH: Objection.

13 A. No.

14 Q. When did you interview Mr. Hantho?

15 A. In reference to what? This  
16 investigation of Mr. Abromavage's --

17 Q. Correct.

18 A. -- concerns about retaliation?

19 Q. Complaint of retaliation, correct.

20 A. Complaint of retaliation. Is that  
21 the interview you are referring to?

22 Q. That is the interview, yes.

23 A. At some point after we interviewed  
24 Mr. Mortara.

25 Q. Can you pass me that exhibit back?

CONFIDENTIAL

Page 201

1 C. Berti

2 MR. VALLAS: Can you mark this

3 P-22.

4 (Deposition Exhibit P-22,  
5 DB-02564-568 marked for identification,  
6 as of this date.)

7 Q. Do you recognize this document,  
8 Ms. Berti?

9 A. Yes.

10 Q. Are these the notes of your  
11 interview with Mr. Hantho?

12 A. Yes.

13 Q. And this was conducted on  
14 December 3rd, 2015; is that correct?

15 A. Yes.

16 Q. The first line says, "JG inv --JE  
17 and MH were his mentors, trying to keep him  
18 in line."

19 Is that a reference to the Jason  
20 Gurandiano investigation?

21 A. I don't know.

22 Q. You don't know if the phrase "JG  
23 inv" is a reference to the investigation into  
24 Mr. Gurandiano?

25 A. I believe it is, yes.

CONFIDENTIAL

Page 202

1 C. Berti

2 Q. So, Mr. Hantho is saying that he  
3 and Mr. Eydenberg were Jason Gurandiano's  
4 mentors here?

5 A. I believe that is what Mark Hantho  
6 told us, yes.

7 Q. The next paragraph, it says, "Only  
8 one who NH made aware that had raised a  
9 complaint v. JG. JG's innuendo re: IPO pitch  
10 by Steve V. JG said things to NA concerned  
11 him." Is that correct? Did I read that  
12 correctly?

13 A. Yes.

14 Q. What was it that JG said, that  
15 Mr. Gurandiano said to Mr. Abromavage that  
16 concerned Mr. Hantho?

17 MR. SMITH: Objection.

18 A. I don't -- I don't know that that  
19 is an accurate characterization of what was  
20 told to me or my notes.

21 Q. "JG said things to NA concerned  
22 him."

23 A. Yes. I don't know if "concerned  
24 him" refers to Mr. Abromavage or, as you  
25 suggested, Mr. Hantho. I'm not clear reading

CONFIDENTIAL

Page 208

1 C. Berti

2 sure if that means Richard Gibb was then  
3 responsible for FIG or someone else.

4 Q. Do you have any independent  
5 recollection, other than simply reading the  
6 notes, what --

7 A. I -- I do remember that Mark Hantho  
8 spoke of other opportunities or positions  
9 that Mr. Abromavage could have been involved  
10 in, and I remember him speaking about the  
11 reduced fee pool in the FIG and ECM groups  
12 that would have led to considering other  
13 opportunities.

14 Q. You understand that Mr. Abromavage  
15 was making an allegation that the denial of  
16 his move to FIG coverage was in retaliation  
17 for his participation in the investigation;  
18 correct?

19 A. No, I don't recall that was  
20 specifically an allegation.

21 Q. You were conducting an  
22 investigation into Mr. Abromavage claiming  
23 that he was being retaliated against in  
24 connection with his participation in the  
25 investigation.



CONFIDENTIAL

Page 210

1 C. Berti

2 questions and differently. Can we ask one at  
3 a time, and I will do my best to answer it.

4 Q. Let's just go with the second one.

5 MR. VALLAS: Can you read it back.

6 (Record read as follows:

7 "Q. I understand that you are  
8 saying today, as you sit here today, you  
9 don't recall everything, but at the time,  
10 did you have a full understanding of the  
11 allegations that Mr. Abromavage was  
12 making?")

13 A. I certainly had a better  
14 understanding of these allegations at the  
15 time of the investigation.

16 Q. And other than your notes which we  
17 have been reviewing, is there anything that  
18 would refresh your recollection as to what  
19 Mr. Abromavage's allegations were?

20 A. Not that I know of.

21 Q. Would your report you drafted at  
22 the conclusion of this investigation refresh  
23 your recollection?

24 A. I don't recall if it would or  
25 wouldn't.

CONFIDENTIAL

Page 211

1 C. Berti

2 Q. Do you remember when you spoke with  
3 Mr. Eydenberg about Mr. Abromavage's  
4 complaint?

5 A. We spoke to Mr. Eydenberg at some  
6 point during this investigation after we  
7 spoke to Mr. Mortara, I believe.

8 Q. Was it the same day as Mr. Hantho?

9 A. I don't remember. If you showed me  
10 documents or my notes, that might help me.

11 Q. You have no independent  
12 recollection if it was the same day?

13 A. I don't.

14 MR. VALLAS: Mark this P-24.

15 (Deposition Exhibit P-24,  
16 DB-02569-574 marked for identification,  
17 as of this date.)

18 Q. Do you recognize this document,  
19 Ms. Berti?

20 A. Yes.

21 Q. This is undated, it looks like.

22 A. Yes.

23 Q. Would it surprise you to learn that  
24 Ms. Kershenbaum dated it the same day as your  
25 interview with Mr. Hantho, December 3rd?

CONFIDENTIAL

Page 212

1 C. Berti

2 A. No.

3 Q. In the -- in the middle of the  
4 page, next to the date 3/15, it says, "JG  
5 heard thought" --

6 A. I believe it says "JE."

7 Q. "JE heard thought NA had brought  
8 complaint about JG. NA and JM caught up in  
9 it."

10 Do you know what that is a  
11 reference to?

12 A. I believe it's a reference -- yes.

13 Q. What's it a reference to?

14 A. I believe it's a reference to this  
15 SoFi issue that came up in the Gurandiano's  
16 prior investigation, because I noted SoFi at  
17 the top of "thought."

18 Q. It says, "NA had brought  
19 complaint."

20 Do you know what that means?

21 A. No.

22 Q. Did you ask Mr. Eydenberg what he  
23 was referring to, "NA had brought complaint"?

24 A. I don't recall.

25 Q. Did you ask Mr. Eydenberg how he

CONFIDENTIAL

Page 225

1 C. Berti

2 Because you wrote this; right?

3 A. Yes. I don't know what  
4 Mr. Eydenberg was referring to when he made  
5 the statement -- well, reading this now, I  
6 don't know what Mr. Eydenberg was referring  
7 to in terms of who was the decision maker.

8 Q. And you didn't ask him?

9 A. I don't know.

10 Q. Turn to page 2572, please.

11 In the fifth line down, it says  
12 "no" -- I am not sure what that next word is.  
13 "Conversations"?

14 A. I believe that is an abbreviation  
15 for "conversations."

16 MR. SMITH: "Communications"?

17 Q. "Communications"? Yeah, I'm not  
18 sure.

19 A. I believe it refers to C-O-N-V  
20 apostrophe N-S, conversations.

21 Q. Up above that, it says "RG leaving  
22 for Asia. New FIG head didn't start yet.  
23 Good idea, not super deep fee pool, FinTech  
24 massive, exploding now."

25 What is that a reference to?

CONFIDENTIAL

Page 226

1 C. Berti

2 A. RG I believe refers to Richard Gibb  
3 leaving for Asia, in a new role in Asia.

4 Q. What is the good idea?

5 A. I don't know.

6 Q. Who is the new FIG head?

7 A. I don't recall.

8 Q. And the last page, 2574.

9 Down at the bottom, it says,  
10 "Vinnie and" -- do you know what that next  
11 word is?

12 MR. SMITH: Tahg, T-A-H-G. I  
13 think.

14 Q. Tahg?

15 A. I believe that is another banker.

16 Q. "JE told them to keep mouth shut,  
17 because JG's allegations of disparagement,  
18 think a lot of people were told."

19 What is Mr. Eydenberg talking about  
20 here?

21 A. I don't recall. I don't know that  
22 I -- no.

23 Q. Were a lot of people told about  
24 Mr. -- the allegations against  
25 Mr. Gurandiano?

CONFIDENTIAL

Page 228

1 C. Berti

2 Q. Well, I'm assuming Mr. Eydenberg  
3 brought up Vinnie and Tahg for some purpose;  
4 right?

5 A. I don't know.

6 Q. Was it in response to a question  
7 that you asked?

8 A. I don't recall.

9 Q. Is there anything that would  
10 refresh your recollection as to why there is  
11 a reference to Vinnie and Tahg here?

12 A. Not that I know of.

13 Q. Did there come a time where you  
14 interviewed Mr. Bunzel in connection with  
15 Mr. Abromavage's complaint?

16 A. Yes.

17 Q. When was that?

18 A. I don't recall the specific date.

19 (Deposition Exhibit P-25,  
20 DB02575-582 marked for identification, as  
21 of this date.)

22 Q. Do you recognize this document,  
23 Ms. Berti?

24 A. Yes.

25 Q. Does this refresh your recollection

CONFIDENTIAL

Page 229

1 C. Berti

2 as to when you interviewed Mr. Bunzel?

3 A. Yes.

4 Q. December 8, 2015?

5 A. Yes.

6 Q. At the very bottom of the page, it  
7 says "JG inv." Is that a reference to Jason  
8 Gurandiano investigation?

9 A. Yes.

10 Q. "Heard NA raised concerns about  
11 JG," and there is an arrow, "HR," question  
12 mark. "Not spoke to NA directly."

13 What does this mean?

14 A. It's referring to information that  
15 we learned from Mr. Bunzel regarding  
16 Mr. Abromavage's concerns.

17 Q. This is regarding Mr. Abromavage's  
18 concerns?

19 A. Yes. Because that's what we were  
20 investigating.

21 Q. How did Mr. Bunzel know that  
22 Mr. Abromavage raised concerns about  
23 Mr. Gurandiano to HR?

24 MR. SMITH: Objection.

25 A. I don't know that that's -- I don't

CONFIDENTIAL

Page 237

1 C. Berti

2 hadn't discovered that information?

3 A. Discovered what information?

4 Q. What Mr. Bunzel knew about what  
5 Mr. Abromavage complained to HR.

6 A. That's not what I said. I said it  
7 was possible that I didn't -- I didn't  
8 know -- could you repeat the question,  
9 please.

10 Q. Withdrawn. We can move on.

11 THE WITNESS: Can we take a break?

12 MR. VALLAS: Sure.

13 (Recess from 5:28 to 5:41 p.m.)

14 BY MR. VALLAS:

15 Q. I would like to turn your attention  
16 to Exhibit 25, Ms. Berti, and I would like to  
17 turn your attention to page DB-2578.

18 And in the middle of the page, it  
19 says, "NA didn't pursue aggressively as  
20 should have, MH and JB encouraged him to.  
21 Opportunity gone, Celeste G. starts 3/16 from  
22 GS, may have own views."

23 Who is Celeste G.?

24 A. Celeste Guth, G-U-T-H.

25 Q. And what's her role at Deutsche



CONFIDENTIAL

Page 238

1 C. Berti

2 Bank?

3 A. She was a senior banker that was  
4 starting at the bank at some point in March  
5 of 2016 in a -- in a -- heading a group whose  
6 name I don't recall.

7 Q. Was it FIG?

8 A. I don't recall her specific title,  
9 but she was someone who was coming to lead a  
10 group that was being discussed in this -- in  
11 this -- in this paragraph where I wrote about  
12 an opportunity.

13 Q. Do you understand the opportunity  
14 to be a reference to the move to FIG  
15 coverage?

16 A. I just want to read around that  
17 statement to help me refresh my recollection.

18 (Pause.)

19 A. I don't know.

20 Q. Up at the top of the page, four  
21 lines down, it says, "Earlier this year NA  
22 spoke with RG, others in FIG, banking  
23 coverage role."

24 Does that refresh your recollection  
25 about whether this opportunity referred to a

CONFIDENTIAL

Page 239

1 C. Berti

2 role in FIG coverage?

3 A. I'm not sure. Because there is  
4 other statements about -- RG is Richard Gibb,  
5 and others in FIG, and that's Wetzel and  
6 Vinnie Badinehal, and I don't recall if they  
7 were FIG banking coverage people or not, so  
8 I'm not sure.

9 Q. Did you ever follow up -- sorry, go  
10 ahead.

11 A. I was just going to say, when you  
12 read down another two lines, it says, "Now  
13 don't need two FTMDs," which refers to, I  
14 believe, two full-time MDs, "in FIG ECM," and  
15 that's FIG equity capital markets, as  
16 distinguished from FIG industry coverage or  
17 banking coverage, I believe.

18 And then "Fee pool," arrow down,  
19 which is my shorthand for down,  
20 "significantly," and then there is a  
21 reference to "Mark Hantho tried to facilitate  
22 NA going into banking in Spec Fin AM," which  
23 I believe is asset management, "coverage."

24 And so, I believe there were --  
25 that was a different opportunity from what

CONFIDENTIAL

Page 240

1 C. Berti

2 you described as FIG coverage, so, I am a  
3 little confused -- confused about what the  
4 opportunities are.

5 Q. You are familiar with Mr. --

6 A. The opportunity gone that's  
7 referred to, Celeste G., and where that fits  
8 in.

9 Q. You are familiar with  
10 Mr. Abromavage's allegation that he was in  
11 discussions about a move to FIG coverage;  
12 correct?

13 A. Excuse me? Can you repeat that?

14 Q. Are you familiar with  
15 Mr. Abromavage's allegations that he was in  
16 discussions in the summer of 2015 about a  
17 move to FIG coverage?

18 A. I don't recall.

19 Q. You don't recall --

20 A. I don't recall the specific  
21 allegation regarding FIG, Mr. Abromavage  
22 discussing a FIG coverage role in that  
23 summer, or an allegation regarding that.

24 Q. I believe it's something that we  
25 spoke about at length earlier, but I think we

CONFIDENTIAL

Page 241

1 C. Berti

2 can move on for the moment.

3 A. Yes.

4 Q. Mr. Bunzel is telling you on  
5 December 8th, 2015, that this opportunity is  
6 gone because "Celeste G. starts 3/16 from GS,  
7 may have own views."

8 Do you have any idea when --  
9 withdrawn.

10 Did you ever ask Mr. Abromavage  
11 when the discussions about this opportunity  
12 ceased?

13 A. I don't recall.

14 Q. Did you ever follow up with  
15 Mr. Abromavage to explain Mr. Bunzel's  
16 position?

17 A. No.

18 Q. Can we turn to page 2580.

19 A. And I am sorry, can I go back to my  
20 answer?

21 Q. Sure.

22 A. Can I ask a clarifying question?

23 Q. Sure.

24 A. Mr. Bunzel's position regarding  
25 what?

CONFIDENTIAL

Page 243

1 C. Berti

2 ago, when I conducted this investigation.

3 Q. Is there anything that would  
4 refresh your memory as to whether or not you  
5 were clear on what that opportunity was at  
6 the time other than these notes?

7 A. No, not that I'm aware of.

8 Q. Would your report refresh your  
9 recollection about this opportunity?

10 A. I don't know.

11 Q. Turning you to page 2580. Excuse  
12 me, let's look at 2579.

13 At the bottom of the page, it says,  
14 "NA heard from California, NA invited  
15 himself" --

16 A. I don't know that CA stands for  
17 California. It could refer to an individual.

18 Q. You're absolutely right. Do you  
19 know what that is a reference to?

20 A. No.

21 Q. "NA heard from CA. NA invited  
22 himself" --

23 A. Can I answer? I think I do now, if  
24 you let me just read the part above. There  
25 is an individual mentioned, Carlos Alvarez,

CONFIDENTIAL

Page 262

1 C. Berti

2 conclusion with my colleague.

3 Q. And as a result of that review, did  
4 you make a determination about whether or not  
5 Mr. Abromavage's account in his October  
6 complaint was credible?

7 MR. SMITH: Objection, asked and  
8 answered.

9 MR. VALLAS: Asked and answered a  
10 few times in a few different ways.

11 MR. SMITH: That's true, too.

12 MR. VALLAS: I'm trying to get some  
13 clarity.

14 MR. SMITH: We have covered this.

15 Q. Let me ask it a simpler way, just  
16 so we can move on.

17 What was the basis for your  
18 conclusion that there was no violation of DB  
19 policies?

20 A. My conclusions was based upon a  
21 review of all the information we received  
22 during the course of our investigation, and  
23 that included our interview of Mr. -- or our  
24 interview of Mr. Abromavage and any  
25 information he provided to us in the course

CONFIDENTIAL

Page 263

1 C. Berti  
2 of the investigation, as well as information  
3 from other sources as part of the  
4 investigation.

5 It was a review of a collection of  
6 information, so...

7 Q. If you had determined that the  
8 allegations made in Mr. Abromavage's  
9 October 20th complaint were true, would that  
10 have amounted to a violation of Deutsche  
11 Bank's policies?

12 MR. SMITH: Objection.

13 A. I don't know.

14 MR. SMITH: I just want to note for  
15 the record that we are at seven hours.

16 MR. VALLAS: I have probably about  
17 15 minutes left. We can get into an  
18 argument about whether or not I am  
19 entitled to it, but I think it would be  
20 probably better served just powering  
21 through.

22 MR. SMITH: Off the record for a  
23 minute.

24 (Discussion held off the record.)

25 MR. VALLAS: Can we go back on the

CONFIDENTIAL

Page 265

1 C. Berti  
2 into as part of the process you mentioned to  
3 me this past morning."

4 What was the process that you had  
5 mentioned to Mr. Abromavage that past  
6 morning?

7 A. I don't recall what was discussed  
8 the prior Monday morning.

9 Q. I'm going to refer you very briefly  
10 to Exhibit 27 again. These were the notes of  
11 your close-out call with Mr. Abromavage.

12 In the last paragraph, you say,  
13 "Nothing else to say at this time, though not  
14 necessarily done either." Right?

15 MR. SMITH: Objection.

16 Who are you attributing that to?

17 MR. VALLAS: This was Ms. Berti's  
18 notes of the close-out call.

19 Q. Was that a statement that you made  
20 on the call?

21 A. I don't believe so.

22 Q. Was that a statement  
23 Ms. Kershenbaum made on the call?

24 A. I don't believe so.

25 Q. Is that a statement that



CONFIDENTIAL

Page 266

1 C. Berti

2 Mr. Abromavage made on the call?

3 A. I believe so, yes.

4 Q. What did he mean by "not  
5 necessarily done"?

6 MR. SMITH: Objection.

7 A. I don't know.

8 Q. Did you ever look up Mr. Mortara's  
9 exit interview?

10 A. I don't know if Mr. Mortara had an  
11 exit interview.

12 Q. Did you try and find out, in  
13 response to this information?

14 A. I don't recall if I looked into it  
15 or whether perhaps my colleague Michelle  
16 Kershenbaum looked into it.

17 MR. SMITH: I'll ask you to mark  
18 that as P-29.

19 (Deposition Exhibit P-29,  
20 DB-02582-583 marked for identification,  
21 as of this date.)

22 Q. Are you familiar with that  
23 document, Ms. Berti?

24 (Pause.)

25 Q. In the interest of time, I only

CONFIDENTIAL

Page 267

1 C. Berti

2 have a couple of questions about this  
3 document. I'm not sure it's necessary to  
4 read the whole thing.

5 Are you familiar with it?

6 A. Yes.

7 Q. What does "LM with NA" mean?

8 A. That looks like my shorthand for  
9 left message with Neil Abromavage, on  
10 February 4th of 2016.

11 Q. This is after the close-out call;  
12 correct?

13 A. I believe so. If you could just  
14 show me the document that I stated was the  
15 close-out conversation.

16 Yes, this was after that call.

17 Q. Underneath the notation "left  
18 message," there is a series of notes about  
19 what appears to be a conversation. Did you  
20 end up connecting with Mr. Abromavage in  
21 February of 2016?

22 A. Yes, I believe we did. At some  
23 point after I left a message with him, we  
24 spoke. But again, I don't know exactly when  
25 that was, but likely around this time, but I

CONFIDENTIAL

Page 268

1 C. Berti

2 don't know if it was that day.

3 Q. In the middle of the page, it says,  
4 "Don't know if we spoke to Jeff M. in exit  
5 with Cana."

6 A. Yes.

7 Q. Does that refresh your memory about  
8 whether or not Mr. Mortara had an exit  
9 interview?

10 A. No.

11 Q. Is that you saying that you don't  
12 know if we spoke to Jeff M., or is that  
13 Mr. Abromavage?

14 A. I believe it was Mr. Abromavage's  
15 statement that he doesn't -- he didn't know  
16 if we spoke to Jeff Mortara in exit with  
17 Cana.

18 Q. On the next page, the penultimate  
19 sentence, it says, "Comp is coming up and we  
20 will see what happens."

21 Do you understand "comp" to be a  
22 reference to the annual compensation meeting?

23 A. What do you mean by "annual  
24 compensation meeting"?

25 Q. Do managers have meetings with

CONFIDENTIAL

Page 269

1 C. Berti

2 employees to discuss incentive compensation  
3 in February of each year?

4 A. Are you saying at this time -- at  
5 this time, was that the timeline?

6 Q. I withdraw that question. Let me  
7 rephrase it.

8 What do you understand the phrase  
9 "comp is coming" to mean?

10 A. By "comp is coming up," in  
11 February, around that time, I understand that  
12 to refer to communications regarding  
13 employees' year-end compensation and salary  
14 discussions.

15 Q. Do you know whether or not  
16 Mr. Abromavage received a bonus in 2016 for  
17 his performance in 2015?

18 A. I don't recall.

19 Q. Do you recall being consulted in  
20 connection with that decision?

21 A. No.

22 Q. Are you aware that Mr. Abromavage  
23 was terminated in August of 2016?

24 A. No.

25 Q. Are you aware that Mr. Abromavage